Single Bench

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR: CHHATTISGARH

W.P. NO.4404 OF 2004

Petitioner

Smt. Uma Thakur (before marriage, now known as Dr. (Smt.) Uma Paikra, aged about 35 years, W/o Dr. Rameshwar Paikra, Presently posted at Community Health Centre, Chhura, Tah. Gariaband, Distt. Raipur (Chhattisgarh)

P.R. No. 4408/04
Presented by Shri ...
dated 3-11-04

Versus

Respondents

1. State. of Chhattisgarh, through the Secretary, Deptt. Of Health and Family Welfare, DKS Bhavan, Raipur.

2. Chief Medical Officer, Govt. of Chhattisgarh, Distt. Raipur.

3. Block Medical Officer, Chhura, Tah. Gariaband, Distt. Raipur.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

1. **PARTICULARS OF THE PETITIONER**

(43)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 404 of 2004

Petitioner — Smt. Uma Thakur

Versus

Respondents — State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Ghanshyam Patel, Advocate for the petitioner.

Shri Utkarsh Verma, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 23rd day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Medical Officer at Community Health Center, Chura was transferred to Balodabazar, on the same terms and conditions vide impugned transfer order dated 26.10.2004 (Annexure P/1) within the same district Raipur.
2. This Court vide interim order dated 6.1.2005 directed that the petitioner be allowed to continue, if she was not relieved.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur